

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 01-028

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
SAUSALITO-MARIN CITY SANITARY DISTRICT
SAUSALITO
MARIN COUNTY**

This complaint assesses Mandatory Minimum Penalties (MMP) pursuant to Water Code section 13385(h) and/or (i) is issued to the Sausalito-Marín City Sanitary District (hereinafter the Discharger) based on a finding of a violation of Waste Discharger Requirements Order No. 95-107 (NPDES No. CA0038067).

The Executive Officer finds the following:

1. On May 26, 1995, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 95-107 (NPDES No. CA0038067), for Sausalito-Marín City Sanitary District, to regulate discharges of waste from the wastewater treatment plant.
2. Water Code section 13385(i) states: A MMP of three thousand dollars (\$3,000) shall be assessed for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:
 - a. Exceeds a waste discharge requirement effluent limitation;
 - b. Fails to file a report pursuant to Section 13260;
 - c. Files an incomplete report pursuant to Section 13260;
 - d. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
3. Order No. 95-107 includes the following effluent limitation:

B. Effluent Limitations

- (1) The effluent shall not exceed the following limits:

Constituent	Monthly Avg. (mg/l)	Weekly Avg. (mg/l)	Daily Maximum (mg/l)
b. Total Suspended Solids	30	45	60

WAIVER

- [] By checking the box, I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-028 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed under Complaint No. 01-028 no later than April 2, 2001.

Name (print)

Signature

Date

Title/Organization

4. According to monitoring reports submitted by the Discharger, the Discharger had a daily maximum violation for Total Suspended Solids (TSS) on July 5, 2000, a weekly average violation for TSS on July 8, 2000 and a monthly average violation for TSS on July 31, 2000. These were all chronic violations and are liable for a MMP due to other chronic violations with the prior 6 month period. The amount of the MMP for the chronic violations is \$9,000 (3 * \$3,000).

SAUSALITO-MARIN CITY SANITARY DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a MMP in the amount of \$9,000.
2. A hearing shall be held by the Regional Board on April 18, 2001 unless the Discharger agrees to waive the hearing and pay the MMP of \$9,000 in full.
3. The Discharger may waive the right to a hearing. If the discharger wishes to waive the hearing, please check the appropriate box and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the MMP to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612.

Loretta K. Barsamian
Loretta K. Barsamian, Executive Officer

March 20, 2001
Date



California Regional Water Quality Control Board

San Francisco Bay Region



Vinston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

Date: MAR 22 2001
File No. 2315.5023(GHW)

CERTIFIED MAIL NO.70993220000146713167
RETURN RECEIPT REQUESTED

Mr. Bob Simmons, General Manager
Sausalito-Marín City Sanitary District
P.O. Box 39, #1 Fort Baker Road
Sausalito, CA 94966

Subject: Mandatory Minimum Penalties Under Water Code Section 13385.

Dear Mr. Simmons:

Enclosed is Complaint No. 01-028. The Complaint alleges three violations of your NPDES permit effluent limit of total suspended solids (TSS) in July 2000. TSS effluent violations occurred on July 5 for daily maximum, July 8 weekly average and July 31 monthly average. These chronic violations are subject to a mandatory penalty under Section 13385 of the California Water Code due to violations that occurred previous to July 2000. This Complaint proposes the minimum penalty of \$9,000.

I plan to bring this matter to the Regional Board at its April 18, 2001 meeting. You have two options:

1. You can appear before the Board at the meeting to contest the matter. Written comments are due by March 30, 2001. At the meeting the board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the case to the Attorney General to have a Superior Court consider imposition of a penalty.
2. You can waive the right to a hearing by signing the last page of the Complaint and checking the first box. By doing so, you agree to pay the liability.

If you have any questions please call Greg Walker at (510) 622-2437.

Sincerely,

Loretta K. Barsamian
Executive Officer

Enclosure: Complaint No. 01-028